IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Kenneth Salwitz, et al.	Art Unit	: 3623
Serial No.	: 10/678,746	Examiner	: Kardos, Neil R
Filed	: October 2, 2003	Conf. No.	: 6621
Title	: EARNED VALUE APPLICATION		

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Commissioner for Patents
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AMENDMENT IN REPLY TO ACTION OF FEBRUARY 15, 2011
AND
INTERVIEW SUMMARY

In response to the outstanding Office Action, please amend the above-identified application as follows:

AMENDMENTS TO THE CLAIMS:

This listing of claims replaces all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (Currently Amended) A method performed on a processing device, comprising:

storing, via the processing device, a simulation version of a project baseline, the simulation version comprising first objects that define elements of the project baseline;

copying, via the processing device, the simulation version to create an operative version of the project baseline;

augmenting, via the processing device, the simulation version by associating second objects with the first objects, the first objects being separate from the second objects, the second objects remaining separate from the first objects and apart from the simulation version, and the first objects not changing when the simulation version is augmented thereby maintaining an original version of the project baseline despite subsequent baseline changes;

changing, via the processing device, the operative version by combining existing operative version data in the first objects with changes to the simulation version from the second objects, the operative version comprising third objects that correspond to combinations of first and second objects;

wherein changes are effected only to a portion of the project baseline in the operative version that succeeds a time at which the operative version is changed; ~~and~~

obtaining, via the processing device, an earned value for a project that corresponds to the updated project baseline, the earned value being obtained via the changed operative version; and

providing an option to replan the project baseline in order to affect a timing of tasks occurring in the project baseline while holding the earned value constant.

2. (Original) The method of claim 1, wherein the earned value is obtained based on an amount of work done on the project and a pre-assigned value for the project baseline.

3. (Original) The method of claim 2, wherein the amount of work done corresponds to a portion of the project that has been completed.

4. (Original) The method of claim 2, wherein:

the project baseline comprises a number of tasks, each of the tasks having an assigned value; and

wherein obtaining the earned value comprises:

determining which of the tasks has been completed; and

combining assigned values for completed tasks.

5. (Previously Presented) The method of claim 1, wherein changing the operative version in connection with changes to the simulation version comprises:

augmenting the simulation version with a task, the task being defined by the second objects;

wherein the third objects account for the task prior to obtaining the earned value.

6. (Previously Presented) The method of claim 5, wherein augmenting comprises adding the second objects to the simulation version but keeping the second objects separate from the first objects.

7. (Canceled)

8. (Previously Presented) The method of claim 5, wherein a portion of the operative version that precedes a time that the task is incorporated is unchanged.

9. (Previously Presented) The method of claim 5, wherein a portion of the operative version that succeeds a time that the task is incorporated is changed.

10. (Original) The method of claim 5, wherein the task is selected from among other tasks for mapping to the operative version.

11 to 18. (Canceled)

19. (Currently Amended) A non-transitory machine-readable medium that stores executable instructions which, when executed, cause a machine to:

store a simulation version of a project baseline, the simulation version comprising first objects that define elements of the project baseline;

copy the simulation version to create an operative version of the project baseline;

augment the simulation version by associating second objects with the first objects, the first objects being separate from the second objects, the second objects remaining separate from the first objects and apart from the simulation version., and the first objects not changing when the simulation version is augmented thereby maintaining an original version of the project baseline despite subsequent baseline changes;

change the operative version by combining existing operative version data in the first objects with changes to the simulation version from the second objects, the operative version comprising third objects that correspond to combinations of first and second objects;

wherein changes are effected only to a portion of the project baseline in the operative version that succeeds a time at which the operative version is changed; ~~and~~

obtain, via the changed operative version, an earned value for a project that corresponds to the updated project baseline; and

providing an option to replan the project baseline in order to affect a timing of tasks occurring in the project baseline while holding the earned value constant.

20. (Original) The machine-readable medium of claim 19, wherein the earned value is obtained based on an amount of work done on the project and a pre-assigned value for the project baseline.

21. (Original) The machine-readable medium of claim 20, wherein the amount of work done corresponds to a portion of the project that has been completed.

22. (Original) The machine-readable medium of claim 20, wherein:

the project baseline comprises a number of tasks, each of the tasks having an assigned value; and

wherein obtaining the earned value comprises:

determining which of the tasks has been completed; and

combining assigned values for completed tasks.

23. (Previously Presented) The machine-readable medium of claim 19, wherein changing the operative version in connection with changes to the simulation version comprises:

augmenting the simulation version with a task, the task being defined by the second objects;

wherein the third objects account for the task prior to obtaining the earned value.

24. (Previously Presented) The machine-readable medium of claim 23, wherein augmenting comprises adding the second objects to the simulation version but keeping the second objects separate from the first objects.

25. (Canceled)

26. (Previously Presented) The machine-readable medium of claim 23, wherein a portion of the operative version that precedes a time that the task is incorporated is unchanged.

27. (Previously Presented) The machine-readable medium of claim 23, wherein a portion of the operative version that succeeds a time that the task is incorporated is changed.

28. (Original) The machine-readable medium of claim 23, wherein the task is selected from among other tasks for mapping to the operative version.

29 to 54. (Canceled)

REMARKS

Claims 1 to 6, 8 to 10, 19 to 24, and 26 to 28 are pending in this application, of which claims 1 and 19 are the independent claims.[1] Favorable reconsideration and further examination are respectfully requested.

Initially, we thank the Examiner for the courtesies extended to the undersigned during a telephone interview held on June 20, 2011. During that interview, the outstanding rejection over the Wood patent was discussed, and the amendments below were proposed.

> 1. A method performed on a processing device, comprising:
> storing, via the processing device, a simulation version of a project baseline, the simulation version comprising first objects that define elements of the project baseline;
> copying, via the processing device, the simulation version to create an operative version of the project baseline;
> augmenting, via the processing device, the simulation version by associating second objects with the first objects, the first objects being separate from the second objects, the second objects remaining separate from the first objects and apart from the simulation version, and the first objects not changing when the simulation version is augmented thereby maintaining an original version of the project baseline despite subsequent baseline changes;
> changing, via the processing device, the operative version by combining existing operative version data in the first objects with changes to the simulation version from the second objects, the operative version comprising third objects that correspond to combinations of first and second objects;
> wherein changes are effected only to a portion of the project baseline in the operative version that succeeds a time at which the operative version is changed; and
> obtaining, via the processing device, an earned value for a project that corresponds to the updated project baseline, the earned value being obtained via the changed operative version; and
> providing an option to replan the project baseline in order to affect a timing of tasks occurring in the project baseline while holding the earned value constant.

During the interview, we explained that, as we understand it, Wood describes producing several different baselines ("numerous versions of the NST file 512"), as follows:

> When the project is underway, it often becomes necessary to alter the baseline when the original plans appear to be no longer valid. When an NST file 512 contains data for a new or revised baseline, a user makes selection 1014 to perform module 28. Module 28 processes the revision

[1] The Examiner is urged to independently confirm this recitation of the pending claims.

> data to form a new baseline. Accordingly, NST 140 is operated repetitively during the course of a project to produce numerous versions of NST file 512. A user selects baseline, status, and revision modules 11, 20, and 28, respectively, to appropriately process the various versions of NST file 512.[2]

We explained, however, that Wood does not maintain its "revision data" separate from its original baseline data. That is, as we understand it, the revision data becomes part of a baseline version. This is different from amended claim 1, in which second objects are associated with first objects, but in which the second objects remain separate from the first objects.

We also addressed the following allegation in the Office Action.

> • wherein changes are effected to a portion of the project baseline in the operative version that succeeds a time at which the operative version is changed (see column 10: line 63 through column 11: line 6, disclosing updating the status of the baseline based on actual start and completion dates); [3]

The relevant text is reproduced below.

> After a baseline has been established and the project is underway, the actual start and complete dates will usually diverge from the dates established in the baseline. This divergence is recognized through statusing. Status data are routinely collected at intervals in NST 140. These status data cause project management system 110 to recognize accomplished work and to respond to the continuous changes that occur in organization 100. A user makes selection 1012 to perform module 20 and to transfer status data to PMT 150 when an NST file 512 carries status data that has been collected through NST 140.
>
> When the project is underway, it often becomes necessary to alter the baseline when the original plans appear to be no longer valid. When an NST file 512 contains data for a new or revised baseline, a user makes selection 1014 to perform module 28. Module 28 processes the revision data to form a new baseline. Accordingly, NST 140 is operated repetitively during the course of a project to produce numerous versions of NST file 512. A user selects baseline, status, and revision modules 11, 20, and 28, respectively, to appropriately process the various versions of NST file 512.[4]

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[2] Col. 11, lines 7 to 16
[3] Office Action, page 5
[4] Col. 10, line 63 to col. 11, line 24

In particular, we explained that, as set forth in the underlined text above, the "project is underway" and then an actual start date is recognized. The baseline is then altered, presumably, to reflect this new start date. Consequently, a change is made to a portion of the baseline that *precedes* a time at which the operative version is changed. This is different from amended claim 1, in which "changes are effected ***only*** to a portion of the project baseline in the operative version that succeeds a time at which the operative version is changed".

In response, the Examiner indicated that the foregoing arguments and amendments appeared to distinguish over Wood. However, the Examiner indicated that further search and/or consideration was necessary in order to confirm that this was the case. The Examiner further suggested that including features relating to the replanning process described in Applicant's specification would help to further define over Wood. Accordingly, such features have been added to the independent claims, as shown above.

In view of the foregoing, we respectfully submit that claim 1 is believed to be patentable over the applied art. Claim 19 is believed to be patentable for at least the same reasons.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, we respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Please apply any required fees to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

Date: July 13, 2011

/Paul Pysher/

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